

REMARKS

By this Amendment, Applicant amends claims 1, 6, 7, 9, and 12, and cancel claim 5. Thus, claims 1, 3-4, 6-16, and 18 are pending. Support for the amendment to claim 1 may be found at least in original claim 5. Applicant respectfully requests reconsideration and prompt allowance of the pending claims at least in light of the following remarks.

Applicant appreciates the courtesies shown to Applicant's representative by Examiner Webb in the August 17 personal interview. Applicant incorporates a separate record of the substance of the interview into the following remarks. Specifically, claim 1 is amended to include the features of claim 5 as proposed during the interview.

The Office Action rejects claims 1, 3, 4, 6-9, 12-16, and 18 under 35 U.S.C. §103(a) over U.S. Patent No. 5,171,254 to Sher (Sher '254) in view of U.S. Patent No. 6,092,898 to DeJuan, Jr. and rejects claim 11 over Sher '254 and DeJuan Jr. in view of U.S. Patent No. 3,139,298 to Grabiell. Applicant respectfully traverses the rejections.

As agreed during the personal interview, Sher '254 fails to disclose, teach, or suggest an elastic connecting portion, as recited in claim 1. In particular, no structure within the disclosed instrument, and especially not the spring 34, can reasonably be considered "elastic." The term elastic is commonly defined as "easily resuming original shape after being stretched or expanded" (American Heritage College Dictionary, p. 440 (3ed., 1997)). This definition is consistent with Applicant's use of the term in the specification and claims. Because spring 34 in Sher '254 is in a compressed state within outer tube 30, it is incapable of being stretched. Thus, the spring 34 does not act elastically.

Therefore, as agreed during the personal interview, Sher '254 fails to disclose, teach, or suggest an elastic connecting portion. Neither DeJuan Jr. nor Grabiell make up for this deficiency of Sher '254. Thus, claim 1 is patentable over Sher '254, DeJuan Jr., and/or Grabiell. Further, claims 3, 4, 6-9, 12-16, and 18 are patentable for at least the reasons that

claim 1 is patentable, as well as for the additional features they recite. Applicant respectfully requests withdrawal of the rejections.

The Office Action rejects claims 1, 4, 5, 9, and 10 under 35 U.S.C. §103(a) over U.S. Patent No. 5,556,417 to Sher (Sher '417) in view of DeJuan Jr. Applicant respectfully traverses the rejection.

As agreed during the personal interview, Sher '417 fails to disclose, teach, or suggest an elastic connecting portion, as recited in claim 1. In particular, no structure within the disclosed instrument, and especially not the double ball-type valve linkage (36, 35, 38), can reasonably be considered "elastic." That is, the cylindrical housing 36 has tapered ends that contain the pair of balls 35 in such a manner that the spring 38 remains in compression (C3/L13-33 and FIG. 3). Because spring 38 in Sher '417 remains in a compressed state, it is incapable of being stretched. Thus, the spring 38, and therefore the double ball-type valve linkage (36, 35, 38), does not act elastically.

Therefore, as agreed during the personal interview, Sher '417 fails to disclose, teach, or suggest an elastic connecting portion. DeJuan Jr. does not make up for this deficiency of Sher '417. Thus, claim 1 is patentable over Sher '417 and/or DeJuan Jr. Further, claims 4, 5, 9, and 10 are patentable for at least the reasons that claim 1 is patentable, as well as for the additional features they recite. Applicant respectfully requests withdrawal of the rejections.

In view of at least the foregoing, Applicant respectfully submits that this application is in condition for allowance. Applicant earnestly solicits favorable reconsideration and prompt allowance of the pending claims.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, Applicant invites the Examiner to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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